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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,339	10/20/2003	Daniel Eduardo Groszmann	134074NV (15084US01)	2897

23446 7590 11/03/2006

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EXAMINER

TANINGCO, ALEXANDER H

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/689,339	<b>Applicant(s)</b> GRÖSZMANN, DANIEL EDUARDO	
	<b>Examiner</b> Alexander H. Taningco	<b>Art Unit</b> 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/20/2003; 4/15/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

Receipt of the Information Disclosure Statement (IDS) with copies of the reference cited therein, was received on 10/20/2003 and 4/15/2005. An initialized copy of the IDS is enclosed with this office action.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Jensen et al. (US 6,814,489).

**With regards to claims 1, 9, and 15**, Jensen et al. disclose a method for image reconstruction for images acquired in a non-isocentric path, said method comprising: varying a distance between an object and at least one of a detector and a source to form a virtual isocenter (Col. 1 Lines 15-20); maintaining an object at said virtual isocenter during imaging of said object (Col. 2 Lines 26-29); normalizing a magnification change in image data obtained as said virtual isocenter is maintained (Col. 2 Lines 26-29); and reconstructing an image of said object based on said image data and said normalized magnification change (Col. 2 Lines 66-67).

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**With regards to claims 2, 10, 17,** Jensen et al. disclose a method further comprising tracking a position of said detector and a position of said object (Col. 3 Lines 12-16; Col. 2 Lines 18-23).

**With regards to claim 3,** Jensen et al. disclose a method wherein said varying step further comprises varying said distance between image exposures (Col. 4 Lines 43-47).

**With regards to claims 4 and 12,** Jensen et al. disclose a method further comprising determining a distance between said detector and a source (Col. 3 Line 15).

**With regards to claims 5, 11, 13, 14, 16, and 18,** Jensen et al. disclose a method further comprising determining a position of at least one of said detector and a source with respect to said object (Col. 2 Lines 20-23).

**With regards to claims 6 and 19,** Jensen et al. disclose a method further comprising mounting said detector **34** and a source **36** on a C-arm **12** (Fig. 1).

**With regards to claims 7 and 20,** Jensen et al. disclose a method further comprising moving said C-arm **12** in a non-circular path to move said detector **34** and said source **36** around said object **22** while varying said distance between said detector and said object (Col. 3 Lines 5-15).

**With regards to claim 8,** Jensen et al. disclose a method wherein said reconstructing step further comprises reconstructing a three-dimensional image of said object based on said image data and said normalized magnification change (Col. 1 Lines 19-21).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show:

Watanabe et al. (US 6,412,978) (378/197)

- Planar type X-ray detector in arbitrary postures with respect to subject
- Increase the degree of freedom of the postures of the X-ray tube and X-ray detection system with respect to a subject
- C-arm

Saito (US 4,200,799) (250/445)

- Support frame is movable along an axis defined between the radiation source and the subject and rotatable with the subject as a center

Watanabe (US 6,428,206) (378/197)

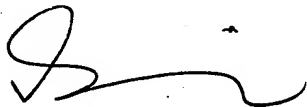
- Provides an X-ray diagnostic imaging apparatus that makes it possible to pick up images of a subject under examination at accurate and a variety of positions thereby to improve the operation of an operator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander H. Taningco whose telephone number is (571) 272-8048. The examiner can normally be reached on Mon-Fri 8:00-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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